

PROB12A1

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**REPORT OF OFFENDER NON-COMPLIANCE**

**Offender Name:** Armando HERNANDEZ

**Docket Number:** 5:03CR09005

**Offender Address:** California City, California

**Judicial Officer:** Honorable Theresa A. Goldner  
United States Magistrate Judge  
Edwards, California

**Original Sentence Date:** February 10, 2004

**Original Offense:** 18 USC 13: CVC 23152(b) - Driving Under the  
Influence of an Intoxicant  
(CLASS A MISDEMEANOR)

**Original Sentence:** 3 years probation (1 year supervised; 2 years  
unsupervised) \$10 special assessment; \$1,351 fine;  
mandatory testing

**Special Conditions:** Warrantless search and seizure; substance abuse  
counseling; substance abuse testing; abstain from  
alcoholic beverages; 4 days BOP; \$5 co-payment; not  
operate a motor vehicle unless properly licensed; and,  
90-day driver's license restriction

**Type of Supervision:** Supervised Probation

**Supervision Commenced:** February 10, 2004

**Assistant U.S. Attorney:** Captain Christian Butler **Telephone:** (661) 277-8120

**Defense Attorney:** David Wallin **Telephone:** (661) 723-1313

**Other Court Action:**

**12-06-04:** Non-Compliance Report submitted alleging a new law  
violation; namely, Unlawfully Operating a Motor Vehicle

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Upon a Highway without a Valid Driver's License, in violation of CVC 12500(a). The defendant admitted the Petition and on May 10, 2005, the Court modified the terms and conditions of supervision to include 24 months supervised probation. The Court also ordered the defendant complete 100 hours of unpaid community service by May 9, 2006. All previously imposed special conditions to remain in full force and effect during the term of probation.

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### **NON-COMPLIANCE SUMMARY**

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

#### **1. IRREGULAR FINE/RESTITUTION PAYMENTS**

**Details of alleged non-compliance:** The defendant has failed to submit fine and special assessment payments as ordered by the Court and as instructed by the probation officer during the months of July 2005 through February 2006, in violation of the general conditions regarding payment of the fine and special assessment.

**United States Probation Officer Plan/Justification:** Since supervision commenced, the defendant has earned enough income to subsist and provide for his family. To date, it appears he has not lived above his means. Although he has failed to make a payment towards his financial obligation, he recently committed to making a \$200 payment and indicated he has the ability to make such payments due to the fact his employment situation and earnings have improved. Considering the defendant's statements, coupled with the fact his scheduled supervision expiration date will allow for collection of reasonable

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monthly payments, the probation officer recommends the Court take no negative action at the present time. Should the defendant willfully refuse to make monthly payments or find himself unable to satisfy his financial obligation prior to the expiration of supervision, the probation officer will seek Court intervention.

Respectfully submitted,

/s/ R. Walters

**R. WALTERS**  
**United States Probation Officer**  
Telephone: (661) 861-4305

**DATED:** March 24, 2006  
Bakersfield, California  
RCW:dk

/s/ Rick C. Louviere

**REVIEWED BY:** \_\_\_\_\_  
**RICK C. LOUVIERE**  
**Supervising United States Probation Officer**

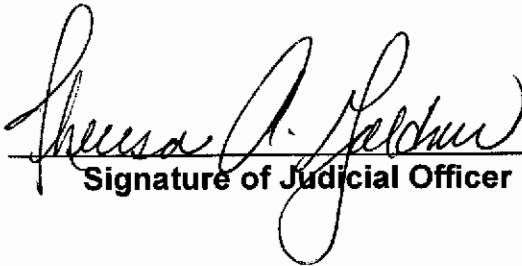
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**THE COURT ORDERS:**

- ( ☒ ) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- ( ) Submit a Request for Modifying the Conditions or Term of Supervision.
- ( ) Submit a Request for Warrant or Summons.
- ( ) Other:

March 28, 2006  
Date

  
Signature of Judicial Officer

cc: United States Probation  
Captain Christian Butler, Special Assistant United States Attorney  
David Wallin, Assistant Federal Defender